



# ARIZONA LIBERTARIAN PARTY, INC.

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February 13, 2022

Via Electronic Mail – Region 1 List, LNC Business List

Libertarian National Committee  
Libertarian National Credentialing Committee  
1444 Duke Street  
Alexandria, VA 22314

In re: Arizona Libertarian Party, Inc.  
*Noticed Delegate Challenge – Refutation and  
Request for Publication of Standards*

Dear Chair Bilyeu, Vice-Chair Moellman, Members of the Libertarian National Committee, Members of the Libertarian National Credentialing Committee, and Region 1 Colleagues, and Liberty Unmasked delegates:

We transmit this letter in our capacities as duly elected Officers of the Arizona Libertarian Party, Inc. Arizona's Libertarian Party was founded in 1972, and observed its 49<sup>th</sup> birthday in October of 2021. AZLP has been a ballot access party in Arizona since 1976. We presently have 37,000 registered voters/Class A members. AZLP presently has active, chartered affiliates in Maricopa, Gila, Yavapai, Pima, Pinal, Cochise, and Yuma counties. Parties in formation are gathering momentum in Graham, Greenlee, Apache and Mohave counties.

## Purpose

Our purpose in writing this letter is fourfold:

We have observed the disintegration of one state party after another as a result of elements of external national factional struggle, to both detriment of those state parties and coherence of the larger national Libertarian community.

We were informed of intent by unnamed persons outside of Arizona to challenge the Arizona delegation's credentials in Reno based on purported "incontrovertible Bylaws violations," an allegation we believe to be false when the facts are reviewed, and additionally regard as unwarranted and meddlesome. We wish to place the full complement of relevant information before the national community.

Thirdly, (and regrettably), we learned this week that at least part of the basis underlying the purported dispute is moot, in that credentials claimed by the individual purporting to hold multiple AZLP offices was in fact in posture of fraud upon the party (in addition to serious previously undisclosed criminal history).

Upon advice of legal counsel and the party’s retained parliamentarian, the Board voted unanimously to declare the two positions for which that individual claimed title vacant, in that conditions predicate to occupying them were never fulfilled as agreed, despite assurances to the contrary. Confronted and asked to resign or cure his deficiencies, the individual in question asserted baseless reasons for failing to have filed his precinct committeeman paperwork and his county’s organization paperwork. Because that individual’s claim to three delegate slots (a ‘superdelegate’ status not conferred by our Bylaws) was predicated on holding two slots he did not have viable claim to, the dispute is moot.

*Lack of Coherent Agreed Upon National Standards*

We are aware that states which have been before the LNC, and before the Judicial Committee, in controversy this year include states in which there are: (1) competing corporate registrations; (2) competing corporate documents; (3) competing slates of officers; (4) lacking slates of officers; (5) disputes and controversies over membership (or what constitutes bona fide membership); (6) disputes concerning right to assets, both tangible and financial; (7) disputes concerning holders of national charter.

*Why Arizona Is Not a “Contested State”*

We respectfully remind the National Committee that none of those conditions are present in Arizona. Arizona’s present Constitution has been in place uninterrupted since January 21, 1999. Arizona’s present Platform is not in controversy and was adopted in its current permutation on January 23, 2017. Arizona has had one consistent set of Bylaws in place uninterrupted since January 21, 1999, with some of these even dating from the original October, 1972 incorporation.

Every year since 1999 the Arizona Libertarian Party has held either its annual Convention (held in odd years, for purposes of electing Officers, in the City of Phoenix, Bylaw 20(b)(ii)), or its State Committee Meeting (held in even years in the city of Tucson, for purposes of electing Delegates to national convention, 20(b)(ii), id.) as required by A.R.S. 16-826(B).

In addition to AZLP holding an annual meeting or convention in January each year as required by statute, AZLP’s Board in this cycle has met at least once monthly, and in some months as often as weekly. County affiliates are expected to meet between monthly and quarterly for business purposes, with outreach events scheduled roughly every six weeks (or more frequently) across the state.

Recent years have seen three Libertarians elected to office statewide (one mayor, one school board member, and one water district member).

Our perspective is simple: while there are nuanced policy difference and lifestyle preferences between us, even differences in interpretation of Bylaws, we comprehensively reject the characterization ours is a party “too contested to be recognized” by her sister states at Convention.

No cogent metric of evaluation renders Arizona ‘another’ Delaware, Massachusetts, or New Hampshire. We do not accept the out of state noise and agitation, and stand firm in rejecting, that our 27 Delegates to be viewed through the same lens as the rival delegate slates from those states.

What, then, is the nature of any question concerning Arizona?

Rival interpretations to one Bylaw’s subsection, each supported by parliamentary opinion, were offered at Arizona’s January 15, 2022 State Committee Meeting in Tucson.

By standing vote, the body, by significant majority, chose a simpler interpretation over an imputed reputation by approximately 95 to 7. No element of the propriety of the meeting, notice requirements related to it, quorum, credentials of Class A members authorized to vote at the meeting, are in dispute.

A distinct factional minority from outside Arizona (and the individual found to be perpetrating fraud on the party by his claims to offices he was not qualified to hold, no longer affiliated with AZLP) adhere to the less-popular interpretation (explained further below).

### 2018 and its Progeny

But first, some history. From 2006 to 2018, Arizona had a policy of populating her delegation to national conventions by “first come, first served” response to a query launched by the chair. In some of those years the delegation was understaffed by significant numbers. In other years, Board members’ family members rounded out the number.

In 2018, Arizona was bombarded in what appeared to a “hostile takeover attempt” by a number of out of state actors, all claiming right to be Arizona delegates (even though had never participated with the Arizona party in any fashion and not Arizona registered voters); even more sadly, some of these placed their very young children<sup>1</sup> in the delegate pool (perhaps to deflect criticism from their own usurious actions).

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<sup>1</sup> Arizona recognizes the role that high school liberty activists, including First Amendment activists, play in building the freedom movement, has fostered and mentored Libertarian clubs in high schools around the State, and is proud to be home to two 19-year old County officers, one in Maricopa Co. and one in Cochise Co. Recognizing the role of high school

Spring 2018 was colored by much hostility and bickering between the out of state claimants to delegate seats and the AZLP members and activists rightfully vying for them. Eventually, two major phalanxes of out of state claimants (one group from Washington, one group from Indiana) dropped their claims. The experience was instructive enough to those elected to the Board that year to make it clear that revision of Bylaw 17, devoted to selection of delegates at national convention, was required revision to prevent a similar future ‘theatre of the absurd’ exercise. The version Bylaw 17 was developed by the Bylaws committee over the summer of 2018, and adopted, with some modification, at Convention in Phoenix in January, 2019.

*AZLP Bylaw 17*

**17. Delegates to the National Convention of the National Libertarian Party:**

*The Delegates from Arizona to the Libertarian National Convention shall be chosen at our Annual State Committee Meeting (Meeting) held in even numbered years.*

*All Candidates for Delegate seats shall make written and dated requests to the AZLP Secretary. The Secretary will print Ballots with Delegate Candidate names and ages including enough blank lines to fill the number of unfilled Delegate seats, at their latest convenience prior to the Meeting. The blank lines are for Delegate requests made after the printing of the Ballot. All requests should be made at least seven (7) days prior to the Meeting but no earlier than ninety (90) days prior, to assure their name is printed on the Ballot. Delegate requests made after printing of the Ballot shall be clearly publicized at the Meeting. Additionally, no Delegate requests shall be made during business at the Meeting.*

*The County Chairs of AZLP recognized County Parties, Statutory Arizona Libertarian Party Officers, and Libertarian National Committee Members residing in Arizona shall be appointed as ex-officio Delegates. The ex-officio Delegates may appoint a proxy Delegate to take their place in their absence provided that the proxy meets all other qualifications to be a Delegate.<sup>2</sup> The remaining Delegates allotted to the Arizona Delegation shall be elected by approval voting by the body of Class A Arizona Libertarian Party Members at the Meeting should there be more Delegate Candidates than allotted seats.*

*Each Class A Libertarian Party Member shall cast votes for no more than the number of remaining available Delegate seats allotted to the AZLP. The Candidates receiving the highest number of votes will fill the first available seats. The remaining Candidates will fill any remaining seats or be placed on the Alternate list should all seats be filled, in the order of the number of votes cast for each. Any remaining requests received after the voting will be placed on the Delegate list subsequent to the Delegates and Alternates that were chosen during the meeting, in the order they are received.*

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journalists and activists for their contribution to Arizona’s political discourse is not at all the same as placing a seven year old from Indiana, not politically astute, and not activist in Arizona, into the delegation.

<sup>2</sup> Note, this Bylaw does not provide that multiple delegate slots inure to an individual with multiple organizational roles.

*Qualified Delegates must be an Arizona resident that is a National Libertarian Party member or a class A Member of the AZLP. No members of organized parties other than the Libertarian Party shall be eligible. Prospective Delegates under the age of 18 must have a legal guardian also elected or appointed at the Meeting as a Delegate to qualify. Delegates must pledge, either by written, verbal or electronic attestation, that they do not support the initiation of force to achieve political or social goals. Should any requirement not be met the Delegate seat shall move to the next qualified Candidate.*

*Issues Raised by the Regional Representative and Alternate Regarding 2022*

Where the minority controversy evolved this year is in relationship to individuals holding more than one position availing of an ex-officio role.<sup>3</sup>

The line in Paragraph 17(b) which is ambiguous – not at all the “incontrovertible violation” characterized on Region One’s Chairs list by the individuals seeking to an advance and inherent non-credentialing of Arizona’s delegation– reads:

***The ex-officio Delegates may appoint a proxy Delegate to take their place in their absence provided that the proxy meets all other qualifications to be a Delegate.***

The disagreement in interpretation of this Bylaw involved whether an individual entitled to more than one ex-officio delegate slot is “absent” from his or her secondary or tertiary role when occupied with the ex-officio delegate slot accorded to his or her primary role [i.e., whether ex-officio delegate spots belong to the \*role\*], or whether, if an ex-officio delegate is physically present, no absence exists, therefore eliminating appointment of any proxy delegate [i.e. the delegate spot belongs to the individual].

Roberts’ New Rules of Order 12<sup>th</sup> Edition describes at 56:68(1) that:

*“An ambiguity must exist before there is any occasion for interpretation. If a bylaw is ambiguous, it must be interpreted, if possible, in harmony with the other bylaws. The interpretation should be in accordance with the intention of the society at the time the bylaw was adopted, as far as this can be determined. Again, intent plays no role unless the meaning is unclear or uncertain, but where an ambiguity exists, a majority vote is all that is required to decide the question.”*

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<sup>3</sup> One of these holds an AZLP statutory officer role and a non-voting role on the LNC; the other portended to hold an AZLP statutory officer role, a county chair role, and a voting role on the LNC, but was found this week to have perpetrated fraud on the party in being unqualified to be a statutory officer in having failed to file PCM paperwork, and in having never filed county committee paperwork, no county affiliate existed in the county he claimed to chair. On a factual (versus academic) basis, two of the purported bases for challenge were eliminated when the county recorder informed AZLP that none of these had been filed.

There can be no doubt that Bylaw 17 can, ultimately, be read in each of these ways. In the reading advocated by those seeking to displace Arizona’s delegation, a multiple-office-holder is a ‘superdelegate’, with right to assign delegate spots for his or her additional offices, choosing the individuals who will occupy occupy those. In the second, the multiple-office-holder is one individual entitled to one vote, and who as one human being is present or absent from the locale of the national convention, but is not simultaneously present in one role and absent in another.<sup>4</sup>

AZLP understands that Roberts’ Rules recognizes that history and custom can be influential on interpretation, but, the depth of the history is also instructive.

Again, Bylaw 17 only had 2020’s (highly irregular) convention season as its only prior real-life test.<sup>5</sup>

In 2020, two AZLP officers, Howard Blitz (then Chair) and Jeffrey Daniels (then Secretary) each held roles availing themselves of an ex-officio delegate slot by virtue of each’s AZLP Board role. Each also held a county role, Yuma County and Gila County respectively.

The two together, without benefit of parliamentary authority, and unchallenged, interpreted the Bylaw to mean that each man was in possession of, and entitled to, two delegate seats. The two made the decision, in accordance with their understanding of the will of the body in adopting Bylaw 17 in having the body decide who the delegates were, to devise the ‘second seat’ to the next-highest-vote getting alternates in the list.

That one convention cycle, the unchallenged conclusion of those two state officers – arrived at without the benefit of a parliamentary opinion - are the only precedent applying Bylaw 17B in practice.

Again, Roberts’ Rules speaks to this conundrum (2:25):

*“In some organizations, a particular practice may sometimes come to be followed as a matter of established custom so that it is treated practically as if were prescribed by a rule. If there is no contrary provision in the parliamentary authority or written rules of the organization, such an established custom is adhered to unless the assembly, by majority vote, agrees in a particular instance to do otherwise.”*

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<sup>4</sup> It could be argued that an officer present in one role but absent in another reaches the threshold of absurdity in interpretation prohibited by Roberts’ 56:68(2); whether absurdity colored interpretation in 2020 does not seem a useful exploration here.

<sup>5</sup> 76 candidates competed for 18 slots in 2020; certain elected delegates resigned their delegate seat when the May Austin convention was cancelled due to Covid. Still others resigned prior to the online presidential nominating convention (June 2020) in rejection of an online meeting. Still others participated online, then resigned before the in-person Orlando July business convention. Orlando’s delegate slate was not identical to the slate elected in Tucson in January, 2020.

2022 State Meeting Particulars

The post-lunch session of the Business Meeting was called to order shortly after 1:00 p.m. A credentials report was requested. Three revisions were undertaken to remove duplicates and non-present spouses. Eventually it was established that 102 Class A Members were present and voting in the delegate selection election.

A Point of Information was raised concerning the complement of delegate seats assigned to the multiple office holders.<sup>6</sup>

In that the only precedent existing was that two officers availing of more than one spot had claimed two each, with opportunity to personally distribute the second spot, the Chair offered interpretation according to the 2020 custom.

Parliamentary opinions were offered by Joe L Theobald, Ph.D., PRP, CP-T and Caryn Ann Harlos.

The Vice-Chair of Coconino County moved to appeal the ruling of the Chair. Maricopa County’s Chair seconded. A vote was taken. Seven rose to uphold the Chair’s ruling along line of the 2020 custom. The rest of the room (at least 95 Class A credentialed members and state committeemen) voted to overturn it.

Following that vote, a Motion was made to place the additional three delegate positions – previously considered belonging to two board members as secondary and tertiary - into the number to be voted on by the Class A members, for a total of 17 slots to be elected.

32 candidates were declared, with vying for the 17 spots. 17 were elected, with 15 alternates also designated, in order of decreasing vote total.

*Not Devising Secondary and Tertiary Roles By Custom – As Rejected by the Body – Is Not Disenfranchisement.*

Apparently, nearly immediately, tweets and other forms of alerts on social media began occurring, where the body was accused of “disenfranchising” persons to whom the multiple-office-holders had “promised” their secondary and tertiary slots.<sup>7</sup>

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<sup>6</sup> Regretfully – very regretfully – the fraud of the individual claiming the office of Secretary, but failure to complete the conditions prerequisite, and the same individual’s fraud in asserting chairship of an organization never incorporated and which never existed, is an anguishing embarrassment for our Board and our party.

<sup>7</sup> For the sake of clarity, the individuals promised devisee spots are Michael Kielsky, Lauren Snyder and Sean Stinson, none of whom have opposed the action of the body or raised any claim. The Regional alternate and out of state actors claim to be working on their behalf,, but apparently do so without their request or consent.

In email to the Board about the purported “disenfranchisement”, one member made it his cause to ‘protect the party from its leadership’, and reiterated the merit of three non-delegate candidate individuals - to whom secondary and tertiary spots had been “promised.”<sup>8</sup>

Perplexing and astonishing was that member’s lack of awareness that his desire to remove **duly elected delegates** from their **duly elected role** is a much more readily discernible act of disenfranchisement.

Roberts’ 23:7, *Remedy for Violation of Right to Vote*, is instructive here:

*“If one or more members have been denied the right to vote, or the right to attend all or part of a regular or properly called meeting during which a vote was taken while a quorum was present, a point of order concerning the action taken in denying the basic rights of the individual members can be raised so long as the decision arrived at as a result of the vote has continuing force and effect.”*

No point of order was raised following the delegate vote by Mr. Kielsky, Ms. Snyder, or Mr. Stinson.

Further, we would do well in this analysis to remember Roberts’ 47:42, *Honorary Officers and Members*:

*“An honorary office is in fact not an office but – like honorary membership – a complimentary title that may be bestowed on members or nonmembers. [...] If there are to be honorary officers or honorary members, they must be authorized by the Bylaws. Like an honorary degree conferred by a college or university, an honorary office or membership is perpetual, unless rescinded or unless its duration is limited by the bylaws. Rights carried with the honor include the right to attend meetings and to speak, but not to make motions or vote unless the person is also a regular member, or unless the bylaws provide full membership rights.”*

In other words, quite plainly: while it is not a given that a state officer holding multiple offices has a right not articulated in specific by the Bylaws to gift the delegate slot associated with his or her secondary or tertiary office, **even if** those roles were to be devised according to the 2020 interpretation, the devisee ***receiving the role receives it as an honorific***.

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<sup>8</sup> Removing duly elected delegates from their elected spots, seemingly the objective of our of state agitators assisted by the Region 1 alternate, fulfill the scenario of leadership disenfranchising Class A elected members.



In that there is no ‘right’ to an honorific office – but it is conferred based on a desire to honor or recognize the person – there is ***no avenue for describing that an individual who believed he or she might become a recipient of an honorary office (but didn’t) is disenfranchised.***

Aware of the ambiguity in interpretation, AZLP intends to convene an additional State Committee meeting to refine and clarify the language of Bylaw 17 (as well as to make clear some additional Bylaws that have interpretation problems) during the month of March, 2022, to clarify the ambiguous language of Bylaw 17, and to elect a qualified officer to the position rendered vacant by fraud.

At the same time, Arizona acknowledges that a scenario could arise in which a state is embroiled in heavy enough charter and leadership dispute as to render that state at a legally disorganized or disaffiliated enough level as to preclude seating of a convention delegation.

Arizona calls upon the National Committee and Credentials Committee to develop and articulate clear and universal criteria for determining such a finding, and to address yourselves to this task immediately in the remaining weeks of the pre-convention season.

Let freedom grow!

Sincerely,

*Emily S. Goldberg*

Emily S. Goldberg, Chairman

*Barry Hess*

Barry Hess, 1<sup>st</sup> Vice Chairman

Attachments:

Statement from Rayleen Richards, Navajo County Elections  
Statutory and Bylaws Summary, Requirements for Statutory Offices  
Pages 1 and 7 of AZLP 2021 Convention Minutes  
Maricopa County Statement on Vacancy  
Conversation Screenshot (2/7/22 3:45 p.m.)